

EXHIBIT

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STATE OF KUWAIT

**NEW PRIVATE SECTOR
LABOUR LAW
NO. 6 OF 2010**

WITH EXPLANATORY MEMORANDUM

In Al-Kuwait Al-Yawm, The Official Gazette,
Issue No. 963 Dated 21Feb. 2010

LAW NO. 6 OF 2010
CONCERNING LABOUR IN PRIVATE SECTOR

Having perused the Constitution;
The Penal Code issued by the Law No. 16 of 1960 and its amending laws; and
Law No. 38 of 1964 on Labour in Private Sector and its amending laws; and

Law No. 28 of 1969 regarding Labour in Oil Sector; and

The Social Security Law issued by the Amiri Order Law No. 61 of 1976 and its amending laws; and

Law Decree No. 28 of 1980 issuing the Maritime Law and its amending laws; and

Law Decree No. 38 of 1980 issuing the Civil & Commercial Procedure Law and its amending laws; and

Law Decree No. 67 of 1980 issuing the Civil Code duly amended by the Law No. 15 of 1996; and

Law Decree No. 64 of 1987 establishing a Labour Department at the Court of First Instance; and

Law Decree No. 23 of 1990 organizing the judiciary and the amending laws thereof; and

Law No. 56 of 1996 issuing the Industrial Law; and

Law No. 1 of 1990 regarding the Health Insurance on Aliens and applying some fees on health services; and

Law No. 19 of 2000 concerning the Support and Encouragement of National Labour Force to work for Non-Governmental parties and its amending laws; and

The National Assembly hereby approves the following law, which we hereby sanction and issue:

CHAPTER I GENERAL PROVISIONS

Article 1

In the application of the provisions of this law, the terms stated hereunder shall have the following meanings:

1. Ministry : denotes the Ministry of Social Affairs & Labour
2. Minister : denotes the Minister of Social Affairs & Labour
3. Labourer: Every male or female who does a manual or intellectual labour in favour of an employer, under his management and control against a fixed wage.
4. Employer: denotes every natural or legal person that employs labourers against a fixed wage.
5. Organization: denotes an organization consisting of a group of labourers or employers whose labours, professions or jobs are similar or related to each other and shall care for their interests, defend their rights and shall also represent them in all issues related to their affairs.

Article 2

The provisions of this law shall be enforceable to the private sector employees.

Article 3

The provisions of this law shall be enforceable to the marine work contract in all issues which are not especially stipulated in the Maritime Law; or the text of this law shall be more beneficial to the labourer.

Article 4

The provisions of this law shall be enforceable to the Oil Sector in all issues which are not especially stipulated in the Oil Sector Labour Law; or the text of this law shall be more beneficial to the labourer.

Article 5

The following workers shall be excluded from the implementation of the provisions of this law:

- Workers being subject to the enforcement of other laws and the provisions of the relevant laws.
- Domestic Workers regarding whom a decision shall be issued by the competent Minister for organizing their affairs and the rules and regulations governing the relationship between them and their employers.

Article 6

Without prejudice to any other better privileges and rights prescribed for

labourers in their individual or collective employment contracts or in the special systems or the applicable rules and regulations at the employer or according to the ethics of profession or the public customs, norms and traditions, the provisions of this law shall represent the minimum limit for the labourers' rights.

**CHAPTER II
EMPLOYMENT, APPRENTICESHIP AND
VOCATIONAL TRAINING
SECTION I : EMPLOYMENT**

Article 7

The competent Minister shall issue the decisions organizing the conditions of employment in the Private Sector, especially the following conditions:

1. Conditions for labour force transfer from one employer to another.
2. Conditions for allowing labourers to work as part-timers with one employer to another employer.
3. The data which the employers shall provide to the Ministry in respect of the government employees who are duly licensed to work for

other employers after the official working hours.

4. Some occupations, professions and works which shall be filled only after passing the relevant professional tests as per the rules and regulations to be set forth by the Ministry in co-ordination with the competent authorities.

Article 8

Every employer shall advise the Competent Authority of his labour force requirements. Also, he shall inform the Competent Authority annually of the number of the employees working for him. This shall be made in the forms especially prepared for this purpose according to the terms and conditions regarding of which a decision shall be issued by the Minister.

Article 9

A public authority of a separate legal personality and an independent balance sheet shall be founded and to be named: "The Public Authority for Labour Force" under the control of the Minister of Social Affairs & Labour. This Authority shall undertake the jurisdictions prescribed for the

Ministry in this law. Also the Authority shall recruit and employ the appropriate labour force according to the applications submitted by employers. Within one year from the effective date of this law, an organizing law shall be issued with regard to this Authority.

Article 10

The employer is banned to employ foreign labour force unless they are duly authorized by the Competent Authority to work for him. The Minister shall issue a decision on the rules, documents and fees to be charged from the employer. In case of refusal, the refusal decision shall be reasonable.

Furthermore, the refusal decision shall not be relevant to the capital amount, otherwise the decision shall be entirely null as if it is not issued. An employer shall not recruit labourers from outside the country or appoint labourers from inside the country without making them to work for him. If it is evident that he is not actually in need of those labourers, in this case, the employer shall bear the

expenses for returning the labourer to his country.

If the worker abandons coming to his work and worked for another employer, the employer shall be obliged to return the employer back to his home country, upon registering an absconding notice against the worker by his main sponsor.

Article 11

Both the Ministry and the competent authority shall be banned to exercise any segregation or preferential treatment while dealing with employers concerning the issuance of labour permits or transfers, for instance by issuing these permits to some employers and refusing this to other employers under any reasons or excuses. The Ministry shall have the right, for regulatory reasons, to cease the issuance of labour permits and transfers for a maximum period of two weeks per year. However, the Ministry may not exclude certain employers of ceasing regulations and leave others during this period. Any act deemed in contradiction to this provision shall be entirely void.

SECTION II APPRENTICESHIP & VOCATIONAL TRAINING

Article 12

Every person who attains 15 years and enters into a contract with a firm for the purpose of learning a profession within a specific time period shall be considered as a professional apprentice, according to the terms and conditions to be agreed upon and also in all that is not especially stipulated in this Chapter. The professional apprenticeship contract shall be subject to the provisions concerning the juvenile employment stated in this law.

Article 13

The professional apprenticeship contract shall be made in writing and issued in three copies, one copy for each contract party and the third copy shall be given to the competent Authority at the Ministry within one (1) week for authentication. The contract shall state the profession, the term of its learning, its consecutive phases and the progressive remuneration of

every learning stage, provided that the remuneration in the last stage shall not be less than the minimum limit prescribed for the present employment contract.

In all cases, the remuneration shall not be decided on the basis of the production or a piece of work.

Article 14

An employer may cancel the apprenticeship contract if the apprentice violates his assigned duties under the contract or if it is evident from the periodic reports prepared on him that he is not ready to learn.

Likewise, the apprentice may also terminate his contract, provided that the party who is willing to terminate the contract shall give notice to the other party of this desire at least seven days in advance.

Article 15

Vocational training shall mean the theoretical and practical tools and programs that give labourers the chance to develop their knowledge and skills or attend the job training within the firm so as to enhance their

abilities, to improve their productivity, prepare them for certain professions or transfer them to others. Training shall be organized in institutes, centers or establishments that achieve this purpose.

Article 16

The Minister, in cooperation and coordination with the competent educational and professional institutions, shall fix the necessary terms & conditions to be satisfied for holding the vocational training programs as well as the prescribed limits for the training period, theoretical & practical programs and the system of examination and certificates to be issued in this respect and the information to be written therein.

This decision shall bind one firm or more to provide training for labourers in other centers or institutes if the first firm hasn't got training centers or institutes.

Article 17

The firms which are subject to the provisions of this Chapter shall pay the worker his full wages for his training period whether inside or outside the firm.

Article 18

The professional apprentice and labourer trainee shall be obliged, after the completion of his learning or training period, to work for the employer for a similar period of his apprenticeship or training in a term of not more than five years. If he is in breach of these obligations, the employer may reimburse from him the expenses spent for his learning or training, in proposal to the remaining period to be spent in the work.

SECTION III EMPLOYMENT OF JUVENILES

Article 19

Employment of those who did not attain 15 years of age shall be banned.

Article 20

Juvenile employment who are between the age of 15 and 18 years may be made by the permission of the Ministry under the following conditions:

- a) To be employed in such works and trades other than those hazardous & harmful to health, in respect of which

a decision shall be issued by the Minister

b) To be medically checked up, before the employment, and thereafter periodically for not more than six months. The Minister shall issue a decision determining these works and trades in addition to the professions, procedures and dates organizing the periodic medical examination.

Article 21

The juveniles maximum working hours shall be 6 (six) hours per day, on condition that they shall not be made to work for more than 4 hours continuously, which shall be followed by at least one hour rest break. Juveniles shall not have to work additional working hours or during weekly off days, holidays or between 7:00 pm to 6:00 am.

SECTION IV

EMPLOYMENT OF WOMEN

Article 22

Women shall not be employed at night between 10:00 pm to 7:00 am, save those who work in hospitals, health centers, private treatment

houses and other health institutions regarding of which a decision shall be issued by the Minister of Social Affairs & Labour, on condition that the employer shall in all the above cases ensure the security requirements for women in addition to the provision of means of transport from and to the place of work.

The official work hours during Holy month Ramadan shall be excluded from the above provisions.

Article 23

The employment of women in dangerous, hard or harmful to health trades and works shall be prohibited. Also women shall not be employed in such jobs which are violating their morals and based on the utilization of their femininity in a manner which is not in line with the public morals. Moreover, women shall not be employed in institutions which provide service exclusively for men. The Minister of Social Affairs & Labour, in consultation with the Consultant Committee for Labour Affairs, shall issue a decision to specify these jobs and entities.

Article 24

The pregnant woman shall be entitled to a paid maternity leave of 70 (seventy) days which shall not be included within her other leaves, provided that the delivery shall happen during this period.

The employer, after expiry of the maternity leave, may give a female labourer upon her request a leave without salary for not more than four months to take care of her child.

The employer shall not terminate the service of a female labourer while she is in her maternity leave or discontinue her joining the work due to a sickness which shall be evidenced by a medical report that it is arising of pregnancy or delivery.

Article 25

A female labourer shall be given two (2) hours in order to breast feed her child during the official working hours, in accordance with the terms and conditions to be determined by the Ministry's decision. An employer shall arrange a Day Care Center for children below four (4) years if the number of women in his firm is more than fifty (50) or the number of em-

ployees therein is more than 200.

Article 26

A female labourer shall have the right to the same salary given to the male labourer, if she performs the same job.

CHAPTER III INDIVIDUAL WORK CONTRACT SECTION I WORK CONTRACT FRAME- WORK

Article 27

Every person who attains 15 years of age shall be entitled to sign a work contract for an unlimited period. In the case of limited period contract, this period shall not exceed one year until he attains the age of 18 years old.

Article 28

An work contract shall be prepared in writing and shall particularly consist of the date of signing the contract, the effective date, amount of wage, contract period if it is for a limited period and the nature of work. The contract shall be drawn up into three

copies; one for each party whereas the third copy shall be sent to the Competent Authority at the Ministry. If the work contract is not prepared in a written document, the contract shall be deemed as prevailing and in this case the labourer shall evidence his rights through all evidencing methods.

If the work contract is for a limited or unlimited period, the labourer wage shall not be reduced during the validity of the contract. Any agreement signed before the validity of the contract or subsequent thereto shall be deemed absolutely void as it is related to the public order.

Also an employer may not assign the labourer to perform a work which is not in line with the nature of the work stated in the contract or not compliant with the qualifications and experiences of the labourer on the basis of which the contract is signed with him.

Article 29

All contracts shall be made in Arabic language and the translation of which

in any foreign language can be added to it, but the Arabic language shall have preference in case of discrepancies. The provision of this article shall be applicable to all correspondence, bulletins, bylaws and circulars issued by the employer to his labourers.

Article 30

If the employment contract is for a limited period, its term shall not be more than five (5) years and not less than one year. The contract may be extended upon expiry by the agreement of both parties.

Article 31

If the work contract is for a limited period and both parties continue to implement it after the expiry of its term without extension, it shall be automatically renewable for similar periods under the same conditions contained therein, unless the two parties agree to renew it under other conditions. In all cases, the renewal shall not affect the labourer's accrued dues arising from the previous contract.

SECTION II OBLIGATIONS OF LABOURER & EMPLOYER

REGULATIONS AND PENALTIES

Article 32

The labourer probation period shall be specified in the work contract provided that it shall not exceed hundred working days. Either party may terminate the contract during the probation period without notice. If the termination is made by the employer, he shall pay the labourer his terminal service indemnity for his employment period according to the provisions of this law.

A labourer may not be employed under the probation period with the same employer for more than once. The Minister shall issue a decision organizing the rules and regulations of the work during the probation period.

Article 33

If the employer subcontracts work or any part the work to another employer under the same work conditions, the employer to whom the work is assigned shall treat his labourers and those of the main employer equally

in all their rights and dues. The two employers shall jointly work together in this respect.

Article 34

The employer who signs a contract for the implementation of a government project or employs his labourers in remote areas, he shall provide a suitable accommodation and means of transport for his labourers free of charge. In the event of not providing them an accommodation, he shall give them a suitable housing allowance. Remote areas and suitable accommodation conditions as well as the housing allowance shall be determined by a decision from the Minister.

In all other cases in which the employer shall be obliged to provide an accommodation for his labourers, he shall be subject to the provisions of the decision provided for in the previous paragraph regarding the conditions of the suitable accommodation and fixing the housing allowance.

Article 35

The employer shall fix in an open

place at the work center the rules and regulations of penalties applicable to the violating workers, provide that the rules and regulations shall observe the following:

- a) The regulations shall specify the contraventions which may be committed by workers.
- b) They shall include progress penalties for contraventions.
- c) No more than open punishment shall be imposed on one single contravention.
- d) No Penalty shall be imposed on a labourer for an act committed outside the place of work unless it is related to the work.
- e) A labourer shall not be punished for any act committed after the expiry of fifteen (15) days from the date of its proof.

Article 36

The employer shall approve the penalties rules & regulation, before its application, by the Ministry. The Ministry may amend these regulations according to the nature of the firm activity or work conditions in such a way which is in line with the provisions of this law. The Ministry

shall present these regulations to the competent organization, if any. If there is no competent organization, then the regulations shall be referred to the General Union in order to give its remarks and proposals on these regulations.

Article 37

The labourer shall not be punished unless he is informed in writing of the contravention committed by him and after hearing his testimony, receiving his pleading and proving the same in the minutes to be lodged in the labourer's file. The labourer shall be notified in writing of the penalties imposed on him, their type, extent, reasons for imposition and the punishment which he may exposed to if he repeated the same act.

Article 38

No deduction may be executed from the worker's wage for a period of more than five days monthly. If the penalty exceeded this limit, the extra amount shall be reduced from the salary of next month or months.

Article 39

The labourer may be prevented to continue his work for the interest of

the investigation conducted by the employer or his representative for a period not exceeding ten days. If the investigation with the labourer has concluded that he is not responsible for the relevant act, he shall be paid his salary for the period of suspension.

Article 40

The employer shall deposit the deducted amounts from the labourer wage of in a fund to be allocated for social, economic and cultural activities for the benefit of the labourers. The deduction penalties imposed on the labourers shall be registered in a special record showing the labourer name, amount of deduction and the cause of its application. In the event of dissolution of the firm, the deduction proceeds in the fund shall be distributed among the existing workers at the time of dissolution in proportional to the service term of each. The Minister shall issue a decision on the rules and regulations organizing the above fund and the distribution method.

SECTION III EXPIRY OF EMPLOYMENT CONTRACT & TERMINAL SERVICE INDEMNITY

Article 41

Without prejudice to the provisions of Article (37) of this law:

- a) The employer may terminate the labourer's service without notice, indemnity or remuneration if the labourer commits one of the following acts:-
 1. If the labourer commits a fault that resulted in a gross loss to the employer.
 2. If it is evident that the labourer has used any fraudulent act or cheating to obtain the work.
 3. If the labourer discloses any secrets related to the firm he works for which caused or could have caused certain losses to it.
- b) The employer may terminate the labourer in one of the following cases:
 1. If the labourer has been convicted of a crime affecting honor, honesty or morality.
 2. If he commits an act against the

public morals in the place of work.
3. If he commits any assaults upon a fellow worker, the employer or his representative during work or because of work.

4. If he commits a breach of, or fails to carryout any of the obligations imposed on him under the terms of the relevant contract and the provisions of this law.

5. If he repeatedly disobeys the instructions of the employer.

In all these cases, the termination decision shall not result in depriving the labourer of his terminal service indemnity.

c) The terminated worker for any of the above cases in this Article shall have the right to appeal the termination decision before the competent Labour Circuit according to the procedures stipulated in this law. If it is evident by virtue of a final court judgment that the employer has terminated the labourer in an arbitrary way, the latter shall be entitled to a terminal service indemnity and compensation for the material and moral damages incurred by him.

In all cases, the employer shall in-

form the Ministry by the termination decision and its causes. The Ministry shall advise the Labour Force Restructuring Program accordingly.

Article 42

If a labourer discontinues work without an acceptable reason for seven consecutive days or twenty interrupted days within one year, the employer may deem him resigned legally. In this case, the provisions of Article (53) of this law shall be applicable on the labourer's eligibility to terminal service indemnity.

Article 43

If a labourer is imprisoned due to a charge by the employer, under a preventive imprisonment or in execution to a non-final court judgment, he shall be considered as suspended from the work but the employer shall not terminate his employment contract unless he is convicted by virtue of a final court judgment.

If a judgment is issued on his innocence from the charge(s) attributed to him by the employer, the employer

shall be obliged to pay him his wage for the period of suspension along with indemnifying him in a fair compensation to be decided by the court.

Article 44

If the contract is made for an unlimited period, either of the two parties may terminate it after giving notice to the other in writing; and the notice shall be made in the following manner:

- a) At least three months prior to the termination of the contract, in the event of monthly salary labourer.
- b) At least one month prior to termination of contract, in case of other labourers. If the party who terminated the contract does not observe the notice period, he shall be obliged to pay the other party a notice period amount equal to the labourer's salary for the same period.
- c) If the termination notice is made by the employer, the labourer shall have the right to be absent from work for one full day within a week or eight (8) hours during the week in order to search for another job along with his entitlement to his wage for

the absent day or hours.

The labourer shall have the right to fix the absent day and hours provided that he shall inform the employer at least in the day preceding his absence.

- d) The employer may terminate the labourer during the notice period along with calculating the labourer service term continuously until the expiry of that period, together with the effects arising thereof particularly the labourer's entitlement to his wage for the notice period.

Article 45

The employer may not use his right to terminate the contract under the previous Article while the labourer enjoys one of his leaves provided for in this law.

Article 46

The service of the labourer shall not be terminated without reason or due to his trade union activity or as a result of claiming for or enjoyment of his legitimate rights according to the provisions of the law. Also, a labourer service shall not be terminated by reason of his sex, origin or religion.

Article 47

If the work contract is for a limited period and either party terminates it without having any right to do so, he shall then be obliged to compensate the other party for the damage incurred by him, provided that the compensation amount shall not exceed what is equal to the labourer's wage for the remaining period of the contract.

While fixing the damage extent with regard to the two contracting parties, the prevailing customs, work nature, contract term, and generally all other considerations which may affect the damage in terms of its existence and extent. Any debts which may be due for the other party shall be deducted from the compensation amount.

Article 48

A labourer shall have the right to terminate the work contract without notice together with his entitlement to the terminal service indemnity in any of the following cases:

- a) If the employer does not abide by the provisions of the contract and the law.
- b) If an assault is committed against

him by the employer or whoever represents him or by instigation or incitement by either of them.

c) If his continuation of doing the work will threaten his safety or health by a decision by the Medical Arbitration Committee at the Ministry of Health.

d) If the employer or his representative has introduced any act of cheating or fraud at the time of contracting in relation to the contract conditions.

e) If the employer charges the labourer of committing a criminal act and a final judgment is issued and declared his innocence.

f) If the employer or whoever represents him has committed an act that violate the morals against the labourer.

Article 49

The employment contract shall expire by the death of the labourer or if it is evident that he is unable or disable to perform his duty or by reason of such a sickness that consumed his sick leave, by a certified certificate from the competent official medical authorities.

Article 50

The work contract shall expire in the following cases:

- a) Issuance of a final court judgment that declares the bankruptcy of the employer.
- b) The final closure of the firm.
However, if the firm is sold or merged in another firm or if it is transferred by the means of inheritance, donation or any other legal action, the work contract shall be effective on the successors under the same conditions mentioned therein. The rights and obligations of the previous employer towards the labourers shall be transferred to the employer who replaces him.

Article 51

The labourer shall have the right to the terminal service indemnity as per the following manner:

- a) A ten days wage, for every one year of service of the first five years and fifteen (15) days wage for every one year of service for the following years, provided that the total indemnity shall not exceed a year wage, with regard to the labourers who receive their wages per day, week,

piece or per hour.

- b) A fifteen-day-wage for every one year of service of the first five years, and one month salary for every year of the following years, provided that the total indemnity shall not exceed one and a half year wage, with regard to monthly paid labourers. A labourer shall be entitled to the terminal service indemnity for any part of the year in proportion to the period of service he spent in the work. The amount of any debts or loans which may be due from the labourer shall be deducted from the terminal service indemnity

In this connection, the provisions of the Social Security Law shall be applicable, provided that the employer shall be obliged to pay the net difference between the amounts he affords against the labourer's subscription in the Social Security and the due amounts for the labourer against the terminal service indemnity.

Article 52

Without prejudice to the provisions of Article (45) of this law, the labourer shall be entitled to the terminal

service indemnity, as stipulated in the previous Article, in full in the following cases:

- a) If the contract is terminated by the employer.
- b) Upon the expiry of the term of the limited contract period without being renewed.
- c) If the contract is terminated according to the provisions of Articles (48, 49, 50) of this law.
- d) If the female labourer terminates the contract from her part due to her marriage within one year from the date of such marriage.

Article 53

The labourer shall have the right to receive half the terminal service indemnity, as stipulated in Article (51), if he terminates the unlimited period contract from his own part, and the term of his service is not less than three (3) years and did not complete five (5) years. If the period of his service has reached five (5) years and did not complete ten (10) years, then he shall be entitled to two-thirds of the indemnity. If the term of his service has reached ten (10) years, he

shall then be entitled to the full indemnity.

Article 54

The labourer whose work contract has expired shall obtain from the employer a service termination certificate which consists of a statement of his period of service, profession and the last salary he obtained. This certificate shall not include any expressions which may harm the labourer or it may be issued in such a form that may reduce the chances of work before him, whether explicitly or implicitly. The employer shall return to the labourer any documents or certificates which may be submitted by him.

CHAPTER IV

LABOUR SYSTEM & CONDITIONS

SECTION I : WAGES

Article 55

The word wage denotes the basic salary received or should be received by

the worker against or because of his work in addition to all the elements stipulated in the contract or employer's rules & regulations.

Without prejudice to the social allowance and children allowance prescribed according to the above mentioned Law No. (19) of 2000, the allowances, remunerations, commissions, grants, donations or cash privileges received by the labourer periodically shall be included within the calculation of the wage.

If a labourer wage is determined as a share of the net profit and the firm did not realize profit or realized little profit so that the labourer's share becomes not consistent with the work performed by him, then his wage shall be estimated on the basis of a similar wage or according to the prevailing traditions in this profession or for justice requirements.

Article 56

Wages shall be paid on a working day in the legal currency in circulation together with observing the following:

a) Monthly rate workers shall be paid

their salaries at least once a month.

b) Other workers shall be paid their salaries at least once every two weeks.

The payment of salaries shall not be delayed after the seventh day of the due date.

Article 57

The employer who have labourers work for him according to the provisions of this law shall deposit their salaries in their relevant accounts opened with local financial institutions. A copy of the statements sent to those institutions in this regard shall be forwarded to the Ministry of Social Affairs & Labour. A decision shall be issued by the Council of Ministers, according to the proposal of the Minister of Social Affairs & Labour and the Minister of Finance, which shall determine those institutions and the rules for dealing with these accounts in terms of the expenses, commissions and organizing rules & regulations in this regard.

Article 58

The employer shall not transfer a la-

bourer who works in a monthly salary to another class without securing the labourer's written consent and without prejudice to the rights obtained by the labourer during his work under the monthly salary.

Article 59

- a) No more than 10% of a worker's wage may be deducted for the settlement of any debts or loans which may be due for the employer; and the employer shall not receive any interest on such entitlements.
- b) The retention of the wage accrued by the labourer or deduction of any part from this wage may not be made, save within the limits of 25% for settling a debt of alimony, food, clothes and other debts, including the employer's debts. In the event of coincidence, alimony debt shall have preference over any other debts.

Article 60

The labourers shall not be obliged to buy any foodstuff or commodities from certain shops or to buy from the employer's products.

Article 61

The employer shall undertake to pay the salaries of his labourers during the closure period if he intentionally closes the firm in order to force the labourers to submit or surrender to his demands. Also, he shall be obliged to pay the salaries of his labourers for the entire period during which the firm is closed, whether totally or partially, for any other reason which the workers have no hand in it, since the employer would like them to continue to work with him.

Article 62

When calculating the labourer dues, the last salary paid to him shall be considered. If a labourer receives a salary on the basis of piece work, the relevant estimate shall be made on the average wage duly paid to him for the actual working hours during the last three months.

The assessment of cash and in kind incentives shall be made by dividing the average of what is received by the labourer from the salary during the last twelve months into the entitlement. If the term of his service is

less than one year, the average shall be computed in accordance with the percentage period spent in the service. A labourer's wage shall not be reduced during the course of his work for any reason whatsoever.

Article 63

The Minister shall issue a decision within a period of not later than every five years in which he shall fix the minimum wages according to the nature of profession and trade, taking into account the inflation rates witnessed by the country, after consultation with the Consultant Committee for Labour & Organization Affairs.

SECTION II WORK HOURS & WEEKLY OFF DAYS

Article 64

Without prejudice to the provisions of Article (21) of this law, the labourer shall not be made to work for more than 8 hours a day or 48 hours a week, save the cases provided for herein. Working hours during the holy month of Ramadan shall be 36 hours a week.

The working hours of hard labour, health harmful labour and hazard la-

bour or for hard conditions may be reduced by virtue of a decision to be issued by the Minister.

Article 65

a) The labourer shall not be made to work for more than five continuous hours per day without being followed a break period of not less than one hour. Break hours shall not be calculated within the working hours.

The banking, financial and investment sector shall be exempted from this provision and the working hours shall be eight continuous hours.

b) Upon the approval of the Minister, labourers may be made to work without any break for technical or emergency reasons or in office works, provided that the total worked hours per day shall be, according to the provision of the above Article 64, at least one hour less.

Article 66

Without prejudice to the provisions of Articles (21) & (64) of this law, a labourer may be made to work overtime hours under a written order issued by the employer if that is neces-

sary for preventing the occurrence of a dangerous accident or for the repair of any breakdowns arising thereof or for avoiding a certain loss or meeting such works more than the daily required work. The additional working hours shall not be more than two hours per day and in a maximum number of one hundred eighty (180) hours per year. Also the additional work periods shall not exceed three days a week and ninety days per year. Furthermore, this shall not prevent the labourer's right to evidence his being entrusted by the employer to perform an additional work through all methods of proof, or the labourer's right to obtain a wage against the overtime hours in a rate which is more than his ordinary rate in a similar period by 25%. When calculating this wage, the provisions of Article (56) of this law shall be applicable. The employer shall keep a special record for the overtime work hours indicating the dates of relevant days, number of overtime hours and the respective wages for the additional work which he assigned to the labourer.

Article 67

The labourer shall have the right to one fully paid weekly off day which shall be fixed by 24 continuous hours after every six worked days. An employer, when necessary, may make a labourer to work during his weekly off day if the work conditions so requires. The labourer shall receive at least 50% of his salary in addition to the original salary. Also he shall be compensated another day for his off day.

The provision of the previous paragraph shall not affect the calculation of the labourer's dues including his daily wage and leaves where these dues shall be calculated by dividing his salary into the number of the actual working days without calculating therein his weekly off days, although the off days are paid days.

Article 68

The official holidays granted to a labourer with full pay are:

- a) Hijiri New Year Day
- One day
- b) Ascension (Isra & Miraj)
Day - One day
- c) Eid Al Fitr (Lesser Bairam)

- Three days
- d) Waqfat Arafat Day - One day
- e) Eid Al Adha (Greater Bairam) - Three days
- f) Prophet Birthday One day
- g) National Day (25th February) - One day
- h) Liberation Day (26th February) - One day
- i) New Gregorian Year One day

If the work circumstances require keeping any labourer in work on any of the official holidays, he shall be paid a double wage together with an alternative compensation day.

Article 69

Without prejudice to the provision of Article 24 herein, the labourer shall have the right to the following sick

leaves during the year:

- 15 days - with full wage
- 10 days - with three quarter wage
- 10 days - with half wage
- 10 days - with quarter wage
- 30 days - without wage

The sickness which needs a sick leave shall be evidenced by a certificate

from the physician to be determined by the employer or the doctor who is in-charge of a government health center. In the event of any conflict regarding the entitlement to the sick leave or its term, then the medical doctor certificate shall be approved.

In relation to the serious diseases which are difficult to cure, then such diseases shall be excluded by a decision from the competent Minister in which he shall specify the type of such diseases.

SECTION III PAID ANNUAL LEAVES

Article 70

The labourer shall have the right to a paid annual leave of thirty days. However, a labourer shall be entitled to a leave for the first year only after the completion of at least nine months in the service of his employer. Official holidays and sick leave days penetrating the leave shall not be counted in the annual leave. The labourer shall have the right to leave for the fractions of the year in proportional to the period spent in work, even if during the first year of service.

Article 71

The labourer shall have the right to be paid his due salary for the annual leave in advance before obtaining his leave.

Article 72

The employer shall have the right to determine the annual leave date, and may grant it partially upon securing the consent of the labourer after the expiry of the first fourteen days thereof.

The labourer shall have the right to accumulate his leaves on condition that they shall not exceed the leaves of two years. Also, the labourer may obtain the leave in one time upon the approval of the employer. Moreover, annual leaves may be accumulated by the mutual agreement of both parties for more than two years.

Article 73

Without prejudice to the provisions of the above Articles (70) & (71), the labourer shall have the right to receive a cash equivalent against his accumulated annual leave days upon the expiry of the contract.

Article 74

Without prejudice to the provisions of the above Article 72, the labourer shall not have the right to assign his annual leave, with or without compensation. The employer shall have the right to reimburse from the labourer any salary paid by him against the leave if it is proven that he is working during his leave with another employer.

Article 75

The employer may give the labourer a paid leave for education in order to obtain a higher qualification in the field of his work, provided that the labourer shall be obliged to work for the employer a period equal to the education leave period which shall not exceed five (5) years period. If the labourer is in breach of this condition, he shall be obliged to reimburse the salaries received by him during the leave period in proportion to the remaining period to be spent by the labourer in the work.

Article 76

The labourer who completes two

continuous years in the service of his employer shall be entitled to a paid leave of 21 days for performing Haj rituals, provided that he should not have previously performed the Haj.

Article 77

The labourer shall have the right to a leave with full pay of three days upon the death of a first or second grade relative.

A female Muslim labourer whose husband expires shall be entitled to a fully paid leave of four months and ten days as from the date of death for the period of waiting (iddat), provided that she shall not practice any work with a third party for the entire leave period. The conditions for granting such leave shall be organized by a decision from the Minister.

Also, a non-Muslim female labourer whose husband passes away shall be entitled to be paid a full leave salary of twenty one (21) days.

Article 78

The employer shall have the right to grant the labourer a fully paid leave

for attending Labour Periodic Conferences & Social Gatherings. The Minister shall issue a decision on the conditions, rules & regulations organizing this kind of leave.

Article 79

The employer may grant the labourer, upon his request, a special leave without pay in addition to the above-mentioned other leaves.

SECTION IV OCCUPATIONAL SAFETY & HEALTH FIRST BRANCH

RULES OF OCCUPATIONAL SAFETY & HEALTH MAINTENANCE

Article 80

Every employer shall keep a separate labour file for every worker comprising of a copy of the work permit, copy of work contract, copy of his Civil Identity Card, copies of relevant annual & sick leaves documents, overtime hours, work injuries, occupational diseases, penalties im-

posed on the labourer, service termination date, service termination reasons, copy of receipts of any papers, tools & experience certificates delivered by the labourer to the employer, which shall be delivered to him after the expiry of his work.

Article 81

Every employer shall keep occupational safety records according to the forms, rules and regulations regarding of which a decision shall be issued by the Minister.

Article 82

The employer shall fix in a conspicuous place at the work center an approved rules & regulations by the competent Labour Department at the Ministry, consisting in particular of the daily working hours and the break period therein, the weekly off day and official holidays.

Article 83

The employer shall take all needful precautionary safety measures for securing the safety of his labourers, machinery, equipment, circulated

materials in the firm and the persons utilizing these materials against the work hazards.

Also the employer shall provide the required safety and occupational health instruments & kits regarding of which a decision shall be issued by the competent Minister upon seeking the opinion of the competent authorities.

The labourer shall not be afforded with any expenses or any amounts may be deducted from his salary against the provision of protection measures & safety tools for him.

Article 84

The employer shall explain to the labourer, before commencing his work, the hazards which he may be exposed to and the necessary protection measures he should have. The Minister shall issue the relevant regulatory decisions on the instructions and precautionary warning signboards to be fixed in conspicuous places in the work center, and the personal safety measures which the employer shall provide for the different activities.

Article 85

The Minister, upon seeking the opinion of the competent authorities, shall issue a decision identifying the kinds of activities which shall abide with the provision of the necessary equipment and tools for the workers' safety & occupational health in such installations, along with the appointment of the specialized technicians or specialists for controlling and ensuring to what extend the safety & occupational measures conditions have been observed. Also the decision shall indicate the qualifications and responsibilities of those technicians and specialists as well as their training programs.

Article 86

The employer shall take the necessary precautionary measures for protecting workers against health hazards and occupational diseases resulting from the practice of such work, and shall further provide the necessary first aid kits and medical services.

The Minister shall have the right, upon obtaining the opinion of the

Minister of Health, to issue the decisions organizing these precautionary measures, occupational diseases schedules, professions and industries that cause such diseases, schedules of harmful materials and the permissible concentrates for such materials.

Article 87

The labourer shall exert the necessary protection efforts, and he shall undertake to utilize them diligently any protection measures under his possession and to implement the relevant instructions stipulated for his safety, health and protection against injuries and occupational diseases.

Article 88

Without prejudice to the provisions of the Social Security Law, the employer shall be obliged to arrange the required insurance coverage over his workers with insurance companies against work injuries and occupational diseases.

SECOND BRANCH WORK INJURIES & OCCUPATIONAL DISEASES

Article 89

Upon the enforcement of the work

injuries insurance terms & conditions as per the Social Security Law, these provisions – with regard to the insured who are subject to this insurance – shall replace the provisions stipulated in the following Articles in relation to the work injuries and occupational diseases.

Article 90

If the worker is injured due to reason and in the course of or on his way to and from the work, the employer shall report the accident immediately upon its occurrence or promptly upon having knowledge thereof, as the case may be, to each of the following:-

- a) The Police Station of the area under whose jurisdiction the place of work is situated.
- b) The Labour Department under whose jurisdiction the place of work is situated.
- c) The Public Institution for Social Security or the insurance company in which the workers are insured against the work injuries. This proclamation may be made by the worker if his health so permits and also, it

may be notified by whoever represents him.

Article 91

Without prejudice to the provisions of the Law No. (1) of 1999 concerning Health Insurance over the expatriates and the application of fixed fees against the health services, the employer shall bear the expenses of the injured labourer treatment against work injuries and occupational diseases with a governmental hospital or a private clinic to be determined by him, including the value of the medicine and transport expenses. The attending doctor shall determine in his report the treatment period, the percentage of disability resulting from the injury and to what extent the worker is able to continue the performance of his work.

Each of the labourer and the employer, by an application to be submitted to the competent department, may object to the medical report within one month from the date of being informed thereof before the Medical Arbitration Committee at the Ministry of Health.

Article 92

Every employer shall provide the Ministry of Health with statistical statement about work injuries accidents and occupational diseases that took place at his firm on periodic basis. The Minister shall issue a resolution fixing the necessary time period for submission of such statistics.

Article 93

A labourer who suffers a work injury or occupational disease shall be entitled to receive his wage for the entire treatment period fixed by the medical doctor. If the treatment period exceeds six months, he shall be entitled only to half the wage until his recovery or proven disability or death.

Article 94

The injured labourer or his beneficiaries shall be entitled to receive compensation for work injuries or occupational diseases pursuant to the schedule to be issued by a resolution from the Minister, upon taking the opinion of the Minister of Health.

Article 95

A labourer shall lose his right to the compensation for the injury if the investigation proved that:

- a) The labourer has willfully injured himself.
- b) The injury has occurred as a result of gross misconduct and intentional act by the labourer. Any act committed by the injured under the effect of drinks or drugs and every violation to the instructions regarding the protection against the work hazards and occupational harms that should be hanged in a conspicuous place at the work center, shall be deemed as willful misconduct unless the injury leads to the death of the labourer or results in a permanent disability of more than 25% of the total disability.

Article 96

If a labourer suffers from a occupational disease or any relevant symptoms are developed on him during his service or within one year after leaving the service, he shall then be subject to the provisions of Articles (93, 94, 95) of this law.

Article 97

1. The medical report issued by the attending doctor or the decision of the Medical Arbitration Committee on the condition of an injured labourer shall identify the liability of the

previous employers, and those employers shall be bound – each in proportion to the period spent by the labourer in his service – if the industries and trades they practice can cause the disease which the labourer suffers from.

2. The labourer or his eligible beneficiaries shall receive the compensation stipulated in Article (94) from the Public Institution for Social Security or the insurance company with which the labourer is insured, as the case may be, and each of them may claim the previous employers to honour their obligations as provided for in paragraph (1) of this Article.

CHAPTER V
COLLECTIVE LABOUR RELATIONS
SECTION I
ORGANIZATIONS OF LABOURERS & EMPLOYERS
AND RIGHT OF TRADE UNIONS

Article 98

The right of forming federations by employers and trade unions by labourers is secured in conformity with

the provisions of this law. The provisions of this Chapter shall be effective on the labourers in the private sector and shall be applicable to the labourers in the government & oil sectors such a manner which shall not be contradictory to the laws that organize their affairs.

Article 99

All Kuwaiti labourers shall have the right to form among them trade unions that look after their interests and work for improving their material and social conditions, and to represent them in all the matters that concern. Similarly, employers may form federations for the same objectives.

Article 100

The following procedures should be adopted in the establishment of a trade union:

1. A number of labourers who wish to establish a trade union or a number of employers who desire to form a federation shall meet in a general consistent assembly by announcing the same in at least two daily newspapers for a period not less than two

weeks as from the date of general assembly, provided that they shall fix the meeting place, time and objectives.

2. The constituent general assembly shall approve the articles of association of the organization and it may be guided in this regard by the model bylaw to be issued by virtue of a resolution from the Minister.

3. The Constituent Assembly shall elect the Board of Directors pursuant to the provisions of its Articles of Association.

Article 101

The Articles of Association of the organization shall state the objectives & purposes for which it has been established, its membership conditions, the rights & obligations of its members, the subscriptions to be collected from the members, the jurisdictions of the ordinary & extraordinary general assembly, the number of the board of directors members, its membership conditions, its term & jurisdictions, the budget rules & regula-

tions, the procedures required for amending the articles of association of the organization, procedures for its dissolution and manner of liquidating its funds as well as the books & records to be kept by the organization and the bases of self-supervision.

Article 102

The elected board of directors shall, within 15 days from the date of its election, deposit the organization incorporation documents with the Ministry.

The legal entity of the organization shall be proved as from the date of issue of the Ministers' decision approving its incorporation after the deposit of the duly completed documents with the Ministry.

Article 103

All labourers, employers and their organizations, upon enjoying the rights provided for in this Chapter, shall observe all the applicable laws in the country like all other organized entities; and they shall practice their activity within the limits of the objectives stated in the articles of

association of the organization without any violation or deviation from these objectives.

Article 104

The Ministry shall direct and guide labourers trade unions and employer's federations towards the proper application of the law and the manner of how to make entries in the financial books & records related to each organization. Also, it shall guide them towards rectifying any missing in the entered data and entries therein.

Trade unions shall be prohibited from the following:

1. Engaging in political, religious or sectarian issues.
2. Investing their funds in financial or real estate speculations or any other type of speculations.
3. Accepting donations & bequests, except under the consent of the Ministry.

Article 105

Trade Unions shall have the right, upon the approval of employers and the competent authorities in the country, to open canteens & restaurants

for serving the labourers within the limit of the establishment.

Article 106

The declared trade unions pursuant to the provisions of this chapter may form among them such federations to take care of their common objectives. Also, the declared federations under the provisions of this law may form among them general federation provided that there shall not be more than one general federation for each of the labourers & employers. Upon forming the federations & general federation, the same procedures related to trade unions' formation should be followed.

Article 107

Federations, the general federation and trade unions shall have the right to accede to Arab or international federations which they believe that their interests are related thereto, provided that they shall inform the Ministry of the accession date. In all cases, they shall observe in this regard that such accession should not violate the public order or the State public interest.

Article 108

Employers & labourers' organizations may be dissolved voluntarily by a resolution to be issued by the general assembly according to the organization's article of association. The trade union's property after its dissolution shall be decided on pursuant to the resolution of the general assembly, in case of the optional dissolution.

Moreover, the board of directors of the organization may be dissolved by filing a case by the Ministry before the Court of First Instance so as to issue a judgment on the dissolution of the board of directors of the trade union if it commits such an act that violates the provisions of this law and the laws related to keeping the public order and morals. The court judgment may be appealed within 30 days from the date of issue at the Court of Appeal.

Article 109

Employers should provide labourers with all the decisions, rules & regulations related to their rights & obligations.

Article 110

An employer may dedicate one or more members of the trade union or federation board of directors for following up the trade union affairs with the labor department or the competent authorities in the country.

SECTION II

COLLECTIVE EMPLOYMENT CONTRACT

Article 111

The collective or group employment contract is the contract which regulates the work conditions and circumstances between one or more labourers trade union or federation, on one hand, and one or more employers or whoever represents them from employer's federations, on the other hand.

Article 112

The collective or group employment contract should be made in writing and duly signed by the labourer. This contract shall be presented to the general assembly of labourers trade

unions and employers federations or both parties, and it should be approved by the members of those organizations pursuant to the provisions of the Articles of Association of the organization.

Article 113

The collective employment contract should be a limited period contract provided that its term shall not be more than 3 years. If the two contract parties have continued to implement the same after the expiry of its term, then it should be deemed renewed for one year period under the same conditions stated therein unless the contract conditions stipulates otherwise.

Article 114

If either party of the collective employment contract is not desirous to renew it after the expiry of its term, he shall inform the other party and the competent Ministry in writing at least three months from the contract expiry date. If the contract parties are multiple, then its termination with regard to one party shall not result in its termination with regard to the other parties.

Article 115

1. Any condition in the individual employment contract or collective employment contracts which violates the provisions of this law shall be deemed void and null even if it precedes the execution of this law unless such condition is more beneficial to the labourer.

2. Any conditions or agreement signed before or after the enforcement of this law under which the labourer waives any right granted by this law shall be deemed null and void. Also, any reconciliation or quit-claim deed that comprises a reduction or release from a labourer's rights due to him under the employment contract during its validity period or three months after its expiry shall be null and void whenever it violates the provisions of this law.

Article 116

The collective employment contract shall be effective only after its registration with the competent Ministry and a summary of which is published in the Official Gazette.

The competent Ministry may object to any conditions it deems as violating the law, and the two parties shall amend the contract within 15 days from the receipt of such objection, otherwise the registration application will be deemed as if it did not take place.

Article 117

A collective employment contract may be concluded at the level of the enterprise, industry or at the national level. If the collective employment contract is concluded at the level of the industry, then it should be signed on behalf of the labourers by the federation of such industry's trade unions. If it is concluded at the national level, then it should be signed by the general federation of labourers. The concluded contract at the industry's level shall be considered as amendment to the contract signed at the enterprise's level; and the contract signed at the national level shall be deemed as amendment to any of the other two contracts, within the limits of the common provisions stipulated therein.

Article 118

The provisions of the collective employment contract shall be applicable to:

- a) Labourers' trade unions and federations that concluded the contract or joined it after its conclusion.
- b) Employers or their federations that signed the contract or joined it after its conclusion.
- c) The trade unions organizing the federation that signed the contract or joined it after its conclusion.
- d) Employers who joined the federation that signed the contract or joined it after its being concluded.

Article 119

Labourers' withdrawal or dismissal from the trade union shall not affect their being subjugated and governed by the provisions of the collective employment contract if such withdrawal or dismissal took place subsequent to the date of signing the contract or joining it by the trade union.

Article 120

Those who have not entered into contracts from among the labourers'

trade unions or federations, or employers or their federations, may join the collective employment contract after the publication of its summary in the Official Gazette by the agreement of both parties requesting the accession without any need for taking the consent of the main contracting parties.

The accession shall be made by virtue of an application to be submitted to the competent Ministry duly signed by both parties. The approval of the competent Ministry to the accession application shall be published in the Official Gazette.

Article 121

The collective or group employment contract signed by the firm's trade union shall be applicable to all labourers of the firm even if they are not members of such Trade Union, this shall be without prejudice to the provision of Article (115) of this law in relation to the most beneficial conditions to the labourer. As for the contract signed by a federation or trade union with a specific employer, it shall be effective only to the labourers of the relevant employer.

Article 122

The labourers & employers organizations which are a party of the collective employment contract may file all cases arising out of the breach of the contract conditions in favor of any member of such organization without need for a power of attorney to be issued by him for this purpose.

SECTION III

COLLECTIVE LABOUR DISPUTES

Article 123

Collective or group labour conflicts are those disputes arising between one or more employers and all his labourers or some of them because of labour or work conditions.

Article 124

If collective conflicts have arisen, both parties shall resort to direct negotiation between the employer or his representative and the labourers or their representatives. The competent Ministry shall have the right to delegate its representative to attend

these negotiations in the capacity of supervisor.

In case that they reached a mutual agreement among them, then such agreement should be enrolled with the competent Ministry within 15 days pursuant to the rules & regulations in respect of which a resolution shall be issued by the Minister.

Article 125

Either party to the dispute – if the direct negotiation did not lead to a solution – may submit an application to the competent Ministry for the amicable settlement of such dispute through the Collective Labour Disputes Committee regarding of which a resolution shall be issued by the Minister.

The application should be signed by the employer or his authorized representative or by the majority of the dispute labourers or by whomever they authorize to represent them.

Article 126

The labour disputes reconciliation committee shall be formed from the following:

- a) Two representatives to be selected by the employer trade union or the disputing labourers.
- b) Two representatives to be selected by the employer (s) who are a party of the dispute.
- c) Chairman of the Committee and representatives of the competent Ministry to be appointed by the competent Minister by a resolution in which he shall also specify the number of the dispute parties representatives.

The committee may seek the opinion of whoever deems useful for the performance of its task. In all the previous stages, the competent Ministry may demand such information it deems necessary for settling the dispute.

Article 127

The reconciliation committee shall complete its looking into the dispute within one month from the date in which it receives the application. If it could solve the dispute, totally or partially, it shall then evidence the agreed points in minutes to be prepared in three copies to be signed by

the attending parties. The agreement shall be deemed as a final and binding agreement to both parties. However, if the reconciliation committee is not able to settle the dispute within the prescribed period, then it shall refer the dispute or refer the un-agreed upon points thereof, within one week from the date of the last meeting of the committee, to the arbitration board duly accompanied with all the documents.

Article 128

The arbitration board of collective labor disputes shall be formed as follows:-

1. A circuit of the court of appeals, to be annually appointed by the general assembly of this court.
2. A head of prosecution to be delegated by the Public Prosecutor.
3. A representative for the competent Ministry to be appointed by its Minister.

The parties of the dispute or their legal representatives shall appear before the arbitration board.

Article 129

The arbitration board shall look into

the dispute in a period not later than twenty (20) days from the date of arrival of its papers to the Clerical Department. Either party to the dispute should be notified of the session date at least one week prior to its holding; and the dispute shall be decided on within a period not exceeding three months from the date of the first session for looking into the dispute.

Article 130

The arbitration board shall have all the power and authorities of the court of appeal pursuant to the provisions of the judiciary organizing law and the Civil & Commercial Procedures Code. The arbitration shall issue justified and causative decisions which shall be the same as those decisions issued by the court of appeal.

Article 131

As an exemption from the provision of Article (126) of this law, the competent Ministry may, in the event of collective dispute and if the necessity so requires, interfere without request by one of the dispute parties to settle the dispute amicably. Also, it may re-

fer the dispute to the reconciliation committee or arbitration board as it deems appropriate. The parties to this dispute, in this case, shall submit all the documents required by the competent Ministry, and they shall appear, if so summoned, before the board.

Article 132

The parties of the dispute are prohibited to stop the work, totally or partially, during the direct negotiation proceedings or before the reconciliation committee or the arbitration board due to the interference of the competent ministry in the disputes pursuant to the provisions of this Chapter.

CHAPTER VI LABOUR INSPECTION & PENALTIES SECTION I LABOUR INSPECTION

Article 133

The competent employees to be identified by the Minister by a resolution shall have the authority of legal & judicial capacity to oversight the imple-

mentation of this law and its executive rules, regulations & decisions. Those employees shall perform their duties with due honesty, impartiality, persistence and they shall undertake not to disclose the secrets of employers which they may have access to by virtue of their work. Accordingly, each of them shall perform the following oath before the Minister:

"I swear by Almighty Allah to perform my duties with due honesty, credibility and impartiality, and to keep top confidential the information which I may have access to by virtue of my work even after the end of my service".

Article 134

The employees referred to in the previous Article shall have the right to enter work places during the firm's official working hours, and to have access to all books & records, and to request such data & information related to manpower affairs, Also, they shall have the right in this connection to check and take samples of the circulated materials for analysis pur-

pose; and they shall further be entitled to enter such places allocated by employers for labour services purposes, and they may seek the assistance of the public force for the execution of the functions of their tasks.

Moreover, those employees shall have the right to prepare minutes on the contraventions committed by employers and to grant them the necessary period for rectifying the relevant contravention, and to refer the prepared minutes on such contraventions to the competent court so as to impose the punishment provided for in this law.

Article 135

The inspection employees, if the employer is in breach of the provisions of Articles (83, 84, 86) of this law and the promulgated resolutions in its implementation in such a manner that threatens by environment pollution, harmful to the public health or the safety & health of labourers, may prepare minutes on the relevant contravention and refer it to the competent Minister who shall have the right, in coordination with the com-

petent authorities, to issue a resolution on the lockout of the business concern, totally or partially, or to stop the use of a certain machine(s) till the rectification of such contravention.

Article 136

The employees who are authorized to conduct the inspection shall have the authority to issue notices on the committed contravention by the labourers working without a specific work center, and they shall have, in this respect, the right to seek the assistance of the public authorities and to coordinate with the concerned authorities regarding the goods left by any of the said labourers and whose owners cannot be identified.

SECTION II

PENALTIES

Article 137

Prejudice to any other harder penalty provided for in any other law, whoever violates the provisions of Articles (8, 35) herein, shall be punished by a penalty of not more than KD 500/. In case of repeating the

same act within three years from the final judgment date, the penalty shall be doubled.

Article 138

Without prejudice to by any harder penalty provided for in any other law, whoever violates the provision of paragraph (3) of Article (10) of this law shall be punished by imprisonment for not more than three years and a fine not more than KD 1,000/- or with both penalties.

Article 139

In case of breach to the provisions of Article (57) herein, an employer shall be punished by a penalty not exceeding the total of labourers dues which he fails to pay, without prejudice to his obligations to pay these dues to the labourers in the same procedures provided for in Article (57) hereinabove.

Article 140

Without prejudice to any harder penalty provided for in any other law, whoever fails to enable the competent employees specified by the Min-

ister to perform their duties provided for in Articles (133, 134) herein, shall be punished by a fine not to exceed KD 1,000/-.

Article 141

Without prejudice to any harder penalty provided for in any other law, whoever violates the remaining provisions of this law and the executive resolutions thereto shall be punished as follows:

- a) The party in breach shall be given a notice to rectify the contravention within the period specified by the Ministry provided that it shall not be more than three months.
- b) If the contravention is not rectified or remedied within the prescribed period, the violating party shall be punished by a penalty of not less than KD 100/- and not more than KD 200/- per every labourer against whom the penalty is committed. In the event of repetitions, within three years from the date of the final judgment, the penalty should be doubled.

Article 142

Whoever violates the writ of suspen-

sion or closure issued pursuant to the provisions of Article 135 herein without remedying the contraventions notified to him by the competent employees, shall be punished by imprisonment for a period not exceeding six month and a fine not more than KD 1000/-, or with one of the two penalties.

CHAPTER VII

CONCLUDING PROVISIONS

Article 143

A Consultant Committee for Labour Affairs shall be formed by a resolution by the Minister consisting of representatives of the Ministry, Manpower Restructuring & State Executive Body Program, Employers & Labourers organizations and whoever the Minister deems appropriate, whose task is to give opinion on the issues presented to it by the Minister.

The resolution shall also issue the necessary procedures for inviting the committee for meeting, work therein and how to issue its recommendations.

Article 144

Upon denial, the actions filed by the labourers under the provisions of this law, after the lapse of one year from the employment contract expiry date shall not be heard. The provisions of Clause (2) of Article (442) of the Civil Code shall be applicable to denial. The actions filed by labourers or their beneficiaries shall be exempted from the judicial fees. However, the court - upon rejecting such actions – may bind the party who files the case to pay all or part of the expenses. Labour cases shall be looked into forthwith on prompt summary basis.

Article 145

As exemption from the provision of Article (1074) of the Civil Code, the rights of labourers prescribed according to the provisions of this law shall have preference & priority over all employer's money, such as movables & real estates, except private residential dwellings. These amounts shall be collected after the legal expenses, the due amounts for the public treasury, and document keeping and repair costs.

Article 146

A case should be preceded by an application to be filed by the labourer or his beneficiaries to the competent labour department which shall summon the dispute parties or their representatives to appear. If the department could not reach an amicable settlement, it shall refer the case, within one month from the case submission date, to the Court of First Instance to decide on it.

The referral shall be made by a memorandum comprising a summary of the dispute, pleadings of both parties and comments of the department.

Article 147

The Clerical Department at the Court of First Instance shall, within 3 days from the receipt of the application, schedule a session for looking into the case which shall be notified to both parties of the dispute.

Article 148

The Minister shall issue the necessary rules, regulations & decisions for implementing this law within six months from the date of publishing this law in the Official Gazette, in

consultation with employers and labours.

Article 149

Law No. 38 of 1964 on the Private Sector Labour shall be repealed and the labourers shall reserve all the rights arising thereof before its cancellation; and all the implementing resolutions thereof shall remain applicable in such a manner which is not contradictory to the provisions of this law till the issue of the executive rules, regulations, decisions and by-laws for this law.

Article 150

The Prime Minister and Ministers, each within his jurisdiction, shall implement this law which shall be operative as from the date of its publication in the Official Gazette.

AMIR OF KUWAIT
SABAH AL AHMED AL JABER
AL SABAH

Issued at Sief Palace on : 26th Safar,
1431 H.
Corresponding to : 10th February,